



Metropolitan Council Meeting

Wednesday, October 14, 2009
Robert Street Council Chambers
4:00 P.M.

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Metropolitan Council Meeting

Wednesday, October 14, 2009

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Craig Peterson, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Members absent:

Tony Pistilli, Bob McFarlin, Polly Bowles, Peggy Leppik, Annette Meeks

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:06 p.m. It was moved by Scherer, seconded by Hilker to approve the agenda. Motion carried.

Minutes

It was moved by Wittsack, seconded by Peterson, to approve the minutes of the Metropolitan Council Meeting of September 23, 2009. Motion carried.

Public Invitation

No one asked to address the Council regarding matters not on today's agenda.

Part II - Exhibits

Business

Committee Consent List

[2009-130 - Metro Public Housing Agency \(PHA\) Plan Approval](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council approve the attached Public Housing Agency Plan (PHA Plan) for 2010, authorize the Metropolitan Council Chair to execute the required certifications and direct staff to submit the final Plan to the U.S. Department of Housing and Urban Development (HUD)." [Resolution](#)

Motion carried.

[2009-311 - Authorization to Execute Contract for 2010 Travel Behavior Inventory](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to enter into negotiations and execute a contract with Cambridge Systematics to conduct the 2010 Travel Behavior Inventory."

Motion carried.

[2009-318](#) - Reimbursement authorization for City of St. Paul Regional Park Projects Financed with FY 2011 Parks and Trails Fund Appropriation

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the City of St. Paul to expend funds on the following State Fiscal Year 2011 Parks and Trails Fund projects under the stipulation that the County will not be reimbursed for its expenses from the FY 2011 Parks and Trails Fund appropriation until the appropriation is available and after execution of grant amendments or grant agreements for these projects:

1. \$923,000 to complete picnic shelter, park road realignment, utilities and lighting at Lilydale Regional Park that was begun with a \$1,455,000 grant in FY 2010;
2. \$610,000 for design and renovation at the Lily Pond in Como Regional Park. The City would like to have restoration of this historic element occur concurrently with the FY 2010 grant of \$250,000 to renovate the Joyce Killmer Memorial Fireplace;
3. \$60,000 for a volunteer coordinator position and \$52,000 for an Educational Coordinator position which the City would like to hire prior to July 1, 2010."

Motion carried.

[2009-319](#) - Park Acquisition Opportunity Grant Request to Purchase 8.9 Acre Parcel for Carver Park Reserve, Three Rivers Park District

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize a grant of \$719,400 from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund to Three Rivers Park District to partially finance the acquisition of the 8.89 acre Hedtke parcel as part of Carver Park Reserve. The grant should be financed with \$431,640 of 2008 State Environment and Natural Resources Trust Funds and \$287,760 of Metropolitan Council bonds."

Motion carried.

[2009-320](#) - [Resolution 2009-43](#) and [2009-44](#) Authorizing Grant Execution for Minnesota Housing Agency RAAC and Bridges Rental Assistance Program

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council adopt Resolutions 2009-43 and 2009-44,, required by the Minnesota Housing Finance Agency (MHFA) to authorize the Regional Administrator to execute continuation grant agreements with the MHFA for the Bridges Rental Assistance Program and the Housing Trust Fund, Tenant-Based Rental Assistance Program (Rental Assistance in Anoka County, RAAC)."

Motion carried.

[2009-325 - Transit Provider Assistance Agreement Amendments](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute amendments to 2009 transit provider assistance agreements as listed in Attachment A."

Motion carried.

[2009-329 - Adopt 2010-2013 Transportation Improvement Program \(TIP\) TAB Action 2009-49](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council:

1. Adopt the 2010-2013 [Transportation Improvement Program \(TIP\)](#).
2. Certify that the Twin Cities Metropolitan Transportation Planning Process is being carried on in conformance with applicable federal requirements including:
 - Section 134 of Title 23, U.S.C., Section 8 of the Federal Transit Act (49 U.S.C. app. 1607);
 - Sections 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d).
 - Title VI of the Civil Rights Act of the 1964 and Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794;
 - Section 1101 (g) of the Transportation Equity Act of the 21st Century (Pub. L. 105-178) regarding the involvement of disadvantaged business enterprises in FHWA and FTA funded planning projects (Pub. L. 97-424, Section 105 (f); 49 CFR part 23); and
 - The provisions of the Americans with Disabilities Act (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations (Transportation for Individuals with Disabilities (40 CFR parts 27, 37 and 38);
3. Certify the TIP conforms with the provisions of 49 CFR part 20 regarding lobbying restrictions on influencing certain federal activities;
4. Find that the TIP is consistent with the Transportation Policy Plan, which is in conformance with applicable federal transportation and air quality regulations.
5. Find that the TIP meets all applicable federal requirements;
6. Find that the TAB provided adequate opportunity for public, agency and transit provider involvement through its regular process and special public meetings and hearing;
7. Transmit the 2010-2013 TIP along with these comments to the Minnesota Department of Transportation and Minnesota Pollution Control Agency."

Motion carried.

[2009-330 - Approval of a Memorandum of Agreement for Transportation Conformity State Implementation Plan - TAB Action 2009-48](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board's (TAB) action to approve the Transportation Conformity State Implementation Plan Memorandum

of Agreement (MOA) (attached) and recommend it to the Regional Administrator for signature.”

Motion carried.

[2009-331 - 2010 Unified Planning Work Program \(UPWP\), Resolution 2009-33, Authorization to File Grant Application - TAB Action 2009-47.](#)

It was moved by Wolter and seconded by Hilker

“That the Metropolitan Council:

- Adopt the proposed 2010 Unified Planning Work Program (UPWP) with a budget of \$7,438,184;
- Adopt attached Resolution 2009-33 authorizing the filing of an application with the Minnesota Department of Transportation to the US DOT for federal transportation planning funds;

Authorize Regional Administrator to enter into an agreement with the Minnesota Department of Transportation to receive FHWA and FTA planning funds.”

Motion carried.

[2009-334 - Settlement Approval Related to Bus Liability Claim](#)

It was moved by Wolter and seconded by Hilker

“That the Metropolitan Council approves the proposed settlement of a liability claim arising out of Metro Transit’s bus operations and authorize its Regional Administrator to execute all necessary settlement documents.”

Motion carried.

[2009-335 - Partial Settlement Offer Related to a Liability Claim](#)

It was moved by Wolter and seconded by Hilker

“That the Metropolitan Council approves the proposed settlement of a liability claim arising out of Metro Transit’s bus operations and authorize its Regional Administrator to execute all necessary settlement documents.”

Motion carried.

[2009-338 - Authorization to Award and Execute Contract 09P050 for Interceptor Trenchless Rehabilitation – Phase 2 – MSB 7111 1&2 and GV-40, Project No. 806920](#)

It was moved by Wolter and seconded by Hilker

“That the Metropolitan Council authorize the Regional Administrator to award and execute a construction contract for Interceptor Trenchless Rehabilitation - Phase 2, MSB-7111 1 and 2, and 1-GV-460, MCES Project Number 806920, Contract No. 09P050, with Lametti & Sons as the responsive, responsible low bidder at \$2,997,576.”

Motion carried.

[2009-348 - Amendment to the Minneapolis Urban Partnership Agreement Subrecipient Grant Agreement](#)

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It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council Authorize the Regional Administrator to negotiate and execute an amendment to the Subrecipient Grant Agreement with the City of Minneapolis for the Marquette and Second Avenues shelters and Central Avenue transit signal priority as identified in the Urban Partnership Agreement (UPA) between the Council and US Department of Transportation (USDOT) in the total amount of \$1,937,128."

Motion carried.

[2009-349](#) - Adoption of 2009-210 Utility Allowance Schedule for the Section 9 Housing Choice Voucher Program

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council approve the attached 2009-2010 Section 8 Utility Allowance Schedule effective November 1, 2009 for use by the Metro HRA in the administration of the Section 8, Family Affordable Housing, and other Rent Assistance Programs."

Motion carried.

[2009-350](#) - Adoption of Payment Standards for the Section 8 Housing Choice Voucher

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council adopt amounts, listed below, as Payment Standards for the Federal Section 8 Housing Choice Voucher Rent Assistance Program effective November 1, 2009."

Motion carried.

[2009-351](#) - City of Ham Lake 2030 Comprehensive Plan Update, Review No. 20490-1

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record and the following:

1. Authorize the City of Ham Lake to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts as described in the Review Record;
3. Advise the City to implement the advisory comments in the Review Record for wastewater services, surface water management, transportation, and individual sewage treatment systems."

Motion carried.

[2009-352](#) - City of St. Louis Park Request for a 2nd Extension of the LCDA grant for Hoigaard Village, SG006-169

It was moved by Wolter and seconded by Hilker

"That Metropolitan Council approve the request by the City of St. Louis Park to extend the term of the Livable Communities Demonstration Account (LCDA) grant for the Hoigaard Village project to December 31, 2010."

Motion carried.

Report of the Environment Committee

Environment Committee items are on the Consent List and Joint Report.

Joint Report of the Community Development and Environment Committees

Single Motion – 2009-299, 2009-300, 2009-301, 2009-302, 2009-303, 2009-339, 2009-340

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the advisory comments, review records, and the recommendations of the Community Development and Environment Committees for the Comprehensive Plan Updates for the cities of Eden Prairie, Medina, Spring Park, Hampton, Columbia Heights, Oak Park Heights and Greenwood."

Motion carried.

2009-299 - City of Eden Prairie 2008 Comprehensive Plan Update, Review File No. 20401-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Eden Prairie to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the advisory comments for forecasts and surface water management as presented in those sections of the review record;
3. Approve the City of Eden Prairie's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-300 - City of Medina 2030 Comprehensive Plan Update, Review No. 20432-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Medina to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts and affordable housing needs number, as detailed in Table 1 and the Housing section of the attached Review Record;
3. Advise the City:
 - a. that at the time the City of Medina and City of Corcoran enter an intercommunity service agreement for Medina serve development in southwest Corcoran through a trunk sewer along Highway 55, a copy of the agreement must be sent to the Metropolitan Council before the Metropolitan Council can recommend full approval of any sewer extension permits to this area to the Minnesota Pollution Control Agency (MPCA).
 - b. to implement the advisory comments in the Review Record including those in the transportation and surface water management sections.
4. Approve the City of Medina's Tier II Comprehensive Sewer Plan."

Motion carried.

[2009-301](#) - City of Spring Park 2030 Comprehensive Plan Update, Review No. 20618-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Medina to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts and affordable housing needs number, as detailed in Table 1 and the Housing section of the attached Review Record;
3. Advise the City:
 - a. that at the time the City of Medina and City of Corcoran enter an intercommunity service agreement for Medina serve development in southwest Corcoran through a trunk sewer along Highway 55, a copy of the agreement must be sent to the Metropolitan Council before the Metropolitan Council can recommend full approval of any sewer extension permits to this area to the Minnesota Pollution Control Agency (MPCA);
 - b. to implement the advisory comments in the Review Record including those in the transportation and surface water management sections;
4. Approve the City of Medina's Tier II Comprehensive Sewer Plan."

Motion carried.

[2009-302](#) - City of Hampton 2030 Comprehensive Plan Update, Review No. 20596-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Medina to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts and affordable housing needs number, as detailed in Table 1 and the Housing section of the attached Review Record;
3. Advise the City:
 - a. that at the time the City of Medina and City of Corcoran enter an intercommunity service agreement for Medina serve development in southwest Corcoran through a trunk sewer along Highway 55, a copy of the agreement must be sent to the Metropolitan Council before the Metropolitan Council can recommend full approval of any sewer extension permits to this area to the Minnesota Pollution Control Agency (MPCA);
 - b. to implement the advisory comments in the Review Record including those in the transportation and surface water management sections;
4. Approve the City of Medina's Tier II Comprehensive Sewer Plan."

Motion carried.

[2009-303](#) City of Columbia Heights 2030 Comprehensive Plan Update, Review No. 20605-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council

1. Authorize the City of Columbia Heights to put its 2030 Comprehensive Plan Update into effect and
2. Advise the City to:
 - a) Participate in Council activities to monitor redevelopment and infill in developed communities.
 - b) Implement the advisory comments noted in the Review Record.
 - c) Update and provide the water resources management plan to the Council for review and comment at the same time it is submitted to the watershed organizations for review and approval once completed in 2011 or 2012."

Motion carried.

[2009-339](#) City of Oak Park Heights 2030 Comprehensive Plan Update, Review No. 20467-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

1. Authorize the City of Oak Park Heights to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised population and employment forecasts as shown in Table 1 in the attached staff report;
3. Advise the City to implement the Advisory Comments in the attached Review Record for Parks, Transportation, and Land Use;
4. Approve the City of Oak Park Heights Tier II Comprehensive Sewer Plan."

Motion carried.

[2009-340](#) - City of Greenwood 2030 Comprehensive Plan Update, Review No. 20551-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Greenwood to put its 2010 Comprehensive Plan Update into effect;
2. Adopt the advisory comments for forecasts and surface water management as presented in those sections of the review record;
3. Approve the City of Greenwood's Tier II Comprehensive Sewer Plan."

Motion carried.

Report of the Community Development Committee

Community Development Committee Items are on the Consent List and Joint Report.

Report of the Management Committee

[2009-336](#) - Authorization to Award Dental Insurance Contract

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to negotiate and enter into a contract for the fully insured dental plan for the period of January 1, 2010, through December 31, 2012."

Motion carried.

2009-337 SW - Extension of Contract with Hartford for Long Term Disability Insurance

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorizes the Regional Administrator to execute a 2 year extension (1/1/2010-12/31/2011) of the contract for Long Term Disability Insurance with Hartford."

Motion carried.

Other Business

2009-365 - Appointment to the Metropolitan Parks and Open Space Commission (MPOSC)

It was moved by Scherer and seconded by Wulff

"That the Metropolitan Council approve the appointment of Tom Gamec to the Metropolitan Parks and Open Space Commission (MPOSC) representing District E."

Motion carried.

2009-366 Appointment to the Land Use Advisory Committee (LUAC)

It was moved by Hilker and seconded by Broecker

"That the Metropolitan Council approve the appointment of Robert Kermes to the Land Use Advisory Committee representing District 11."

Motion carried.

2009-344 - Adopt the Metropolitan Council's Public Comment Drafts of the 2010 Unified Operating Budget and 2010 Unified Capital Program

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council adopt the Public Comment Drafts of the 2010 Unified Operating Budget and 2010 Unified Capital Program."

Motion carried.

Report of the Transportation Committee

2009-324 - Authorization to Amend Contracts to Comply with 2010 EPA Emissions Regulations

It was moved by Steffen and seconded by Scherer

"That the Metropolitan Council authorize the Regional Administrator to amend bus purchase contracts to increase the per unit vehicle contract price to comply with 2010 EPA emissions standards, as follows:

- Contract No. 06P070 with New Flyer for Articulated Buses by \$25,545.38;

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- Contract No. 07P162 with Gillig Corporation for Diesel and Hybrid Diesel-Electric Forty-Foot Buses by \$27,179 for diesel buses and \$12,436 for hybrid buses;
- Contract No. 08P017 with Gillig Corporation for Thirty-Foot Buses by \$27,179."

Motion carried.

[2009-332](#) - CTIB 2010 Project Grant Applications Consistency with the 2030 TPP

It was moved by Steffen and seconded by Peterson

"That the Metropolitan Council finds the nine project grant applications (summarized in the Attachment) submitted to the Counties Transit Improvement Board (CTIB) for CY 2010 funding to be consistent with the Council's 2030 Transportation Policy Plan adopted January 2009."

Motion carried.

[2009-333](#) - Authorization to Award Contract for Forest Lake/Columbus – Minneapolis Transit Service

It was moved by Steffen and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with First Transit Inc. to provide peak express coach bus service from Forest Lake and Columbus to downtown Minneapolis from November 9, 2009 to October 31, 2014, in an amount not to exceed \$2,782,756."

Motion carried.

Public Invitation

Mark Hughes, Shoreview, spoke of an unpleasant situation he experienced with SW Transit bus service. Chair Bell thanked him for coming before the Council.

Central Corridor Update

Mark Fuhrmann, CCLRT Project Manager, presented a project update, reporting staff continues to work toward the fall 2009 target to enter final design and apply for federal funding. Utility relocation work as begun on Robert Street between Kellogg and 5th Street. Businesses throughout the construction are open and accessible via the skyway system and sidewalks. The next steps on the LLRT schedule are:

Fall 2009

- Enter Final Design
- Initiate right-of-way acquisition
- Advertise light rail vehicle RFP

Winter 2010

- Advertise contract packages

Spring 2010

- Construct traffic improvements prior to Washington Avenue closure
- Receive full funding grant

Reports

Chair

Chair Bell reported he

- has been involved with University of Minnesota's litigation related to the Central Corridor Project;
- is following up on action items from the recent Council Member retreat;
- presented a transportation update to the House Transportation Committee;
- participated in the Scott County District Dialogue at Prior Lake.

Council Members

There were no reports.

Regional Administrator

Regional Administrator Weaver:

- reminded Council Members of the October 21 Northstar /Twins Ballpark Tour;
- reported the Council is participating, but not sponsoring, the Northstar Grand Opening events on November 13-14;
- reported that Environmental Services has completed 32 months of perfect compliance;
- reported the dates for the November Council meetings are the 4th and the 18th.

General Counsel

Interim General Counsel Dave Theisen had no report.

Adjournment

Business completed, the meeting adjourned at 5:04 p.m.

Part III - Certification

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Metropolitan Council Meeting of October 14, 2009.

Approved this 28th day of October, 2009.

Respectfully submitted,

Pat Curtiss
Secretary